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Docket No.: SHZ-015
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Norihiko Kimoto *et al.*

Application No.: 10/619779

Confirmation No.: 3310

Filed: July 15, 2003

Art Unit: 1652

For: ALPHA-KETO ACID REDUCTASE, METHOD
FOR PRODUCING THE SAME, AND
METHOD FOR PRODUCING OPTICALLY
ACTIVE ALPHA-HYDROXY ACIDS USING
THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the Restriction Requirement mailed from the United States Patent and Trademark Office on December 19, 2005 for the above-identified patent application. No extension of time is required at this time.

Response to Restriction Requirement Under 35 U.S.C. §121

The Examiner has required restriction among the following inventions in the above-identified application:

Group I: Claims 1-5 and 7, drawn to a keto acid reductase, classified in class 435, subclass 189.

Application No.: 10/619779
Examiner: Y.D. Pak

Docket No.: SHZ-015
Art Unit: 1652

- Group II: Claims 6 and 8-18, drawn to polynucleotide encoding the keto acid reductase, vector comprising said polynucleotide, host cell comprising said polynucleotide and a method of producing the polypeptide, classified in class 435, subclass 196.
- Group III: Claims 19-29, drawn to a method of producing optically active hydroxyl acids, using the product of Invention I or Invention II, classified in class 435, subclass 136.

Accordingly, Applicants hereby elect Group I (claims 1-5 and 7), drawn to a keto acid reductase, without traverse.

CONCLUSION

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SHZ-015 from which the undersigned is authorized to draw.

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Dated: January 19, 2006

Respectfully submitted,

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